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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
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 WASHINGTON, D.C. 20230
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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09 654,462	09 01 2000	Thomas M Jessell	62166 JPW/EMW

John P Wite
 Cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, NY 10036

FORMALITIES LETTER



OC000000005494073

Date Mailed: 10/23/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

10/23/2000 10:00 AM 0000-460

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10/20/00

Dkt. 62166/JPW/SHS/MVM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas M. Jessell et al.
Serial No. : 09/654,462
Filed : September 1, 2000
For : GENETIC DEMONSTRATION OF REQUIREMENT FOR
NKX6.1 AND NKX2.2 IN VENTRAL NEURON
GENERATION

1185 Avenue of the Americas
New York, New York 10036
March 23, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO OCTOBER 23, 2000
NOTICE TO FILE MISSING PARTS OF APPLICATION FILING
DATE GRANTED AND PETITION FOR A THREE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to an October 23, 2000 Notice to File Missing Parts of Application - Filing Date Granted issued by the United States Patent and Trademark Office in connection with the above-identified application. The Notice provides a period of two months for filing a response. Therefore a response was originally due on December 23, 2001. Applicants hereby establish small entity status and petition for a three-month extension of time. The required fee for a small entity is \$445.00 and a check which includes this amount is enclosed. With a three-month extension of time, a response to this Notice is now due March 23, 2001. Accordingly, this Communication is being timely filed.

The Notice to File Missing Parts of Application indicates that the oath or declaration is unsigned. Applicants attach hereto a copy of the Notice as **Exhibit A**. In response, applicants submit as **Exhibit B** a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37 C.F.R. §1.63, the

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Declaration refers to the application's above-identified serial number and filing date.

The Notice indicates that to avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 C.F.R. §1.16(e) of \$130.00 in compliance with 37 C.F.R. §1.27, must be submitted with the missing items identified in this letter.

In response, applicants maintain that small entity status was applicable at the time of filing and that such status still applies. In support, applicants attach hereto the following: (1) a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) (Non-Profit Organization) for The Trustees of Columbia University in the City of New York (**Exhibit C**); and (2) a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) (Non-Profit Organization) for The Regents of the University of California (**Exhibit D**). The Statements are signed by the authorized officials of the entities who have rights in the subject application, namely The Trustees of Columbia University in the City of New York and The Regents of the University of California.

Accordingly, applicants do not owe the \$130.00 surcharge as indicated in the attached Notice. Instead, applicants owe a \$65.00 surcharge for a small entity and enclose a check which includes this amount.

In addition, in the event that the United States Patent and Trademark Office charged any fees in addition to those required for a small entity, applicants hereby request a refund for any such fees. This refund should be credited to Deposit Account No. 03-3125 under Docket No. 62166.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned

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attorneys invite the Examiner to telephone them at the number provided below.


No fee, other than the enclosed \$510.00 fee, which includes the \$65.00 surcharge and the \$445.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Spencer H. Schneider
Registration No. 45,923
Attorneys for Applicants
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, ATTN: Box Missing Parts.


John P. White
Reg. No. 28,678
Spencer H. Schneider
Reg. No. 45,923

Date

3/23/01

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